

REMARKS

This Second Substitute Amendment replaces the Substitute Amendment filed July 31, 2009.

In response to comments in the first paragraph on page 2 of the communication dated July 14, 2009, applicant resubmits the Abstract on a separate page where the numeral "(11)" has been struck through as requested by the Office.

However, it is respectfully submitted that there is no requirement to delete or add reference numeral to the Abstract and thus, this is an improper basis on which to hold the previously filed Amendment non-responsive.

In response to the paragraph bridging pages 2-3 of the communication, applicant directs the Examiner's attention to the objections to the drawings beginning on page 3 of the Office Action dated July 16, 2008.

As previously identified in the Remarks accompanying the Supplemental Amendment filed April 16, 2009, the replacement drawings corrected the purported "errors" noted by the Examiner in the Office Action of July 16, 2008. Therefore, applicant had previously provided "line breaks" at the ends of the adjacent panels in each of Figs. 1a, 1b, 1c to 3a, 3b, 3c, 5 and 6 as objected to on paragraph 1 on page 3 of the Office Action of July 16, 2008.

Responsive to the errors noted in paragraph 2 beginning on page 4 of the July 16, 2008, Office Action, Figs. 1a and 3a had been amended to include a bracket for each of Figs; and in response to the paragraph No. 3, noting defects in Fig. 1a, the lead lines do not end in a blackened circle or bead for reference numerals "11", "12", "21", and "31". Also in Fig. 1a reference numeral "3" has not been underlined and additionally in Fig. 1a the lead lines from reference numerals "21" and "23" do not cross. Similarly, the lead lines from reference numerals "11", "12", "14", "18", "27", "31" and "33" in Fig. 3a do not end in a blackened circle or bead as requested in the Office in paragraph 7 on page 4 of the Office Action of July 16,

2008. Similarly in Fig. 3a the lead line from reference numeral "14" does not cross the line showing the distance "P" and also reference numeral "3" in Fig. 3a is not underlined. Similarly, the "lead lines in Figs. 4, 5 and 6 do not end in a blackened circle or bead as requested by the Office in the July 16, 2008, as noted in the replacement drawings and further in Fig. 4 the reference numeral "3" is not underlined.

Applicant had timely provided replacement drawing sheets in compliance with these requirements of the Office and specifically mentioned that such drawing sheets had corrected the purported "errors" as noted in the Office Action of July 16, 2008. See especially the second paragraph on page 10 of the Response filed April 16, 2009. As such, the response specifically addressed each of the drawing changes in the Replacement drawing sheets. Thus, the Examiner's allegation that the former Supplemental Amendment was non-compliant is without merit and should be withdrawn.

Furthermore, even though the word "allowing" in claim 1, line 5, appears as "allow[ing]" in the Amendment such is not a non-responsive Amendment but has a term reading exactly as specified, albeit with a typographical error. Accordingly, applicants respectfully submit that none of the Examiner's comments in the communication dated July 14, 2009, are justified in alleging that the Supplemental Amendment filed April 16, 2009, is non-responsive to the preceding Office Action.

Therefore, as the Supplement Amendment filed April 16, 2009, was not entered, the Second Substitute Amendment filed herewith, although addressing each of these allegations, should not be considered as requiring a further extension of time because the preceding Amendment was fully responsive. In the event the Examiner maintains this position then applicant petitions for an extension of time of five months from the response date of May 10, 2009. Any fees may be charged to the undersigned's deposit account number 14-1437 and applied under

8688.048.US0000. Applicant expressly reserves its right of petition to execute Supervisory Authority over the Examiner, if the Examiner persists in her position that the Supplemental Amendment filed April 16, 2009, is non-responsive, or if any extension fees are applied to the undersigned's deposit account.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8688.048.US0000.

Date: October 9, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TP Pavelko', with a long horizontal flourish extending to the right.

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